

2004 - Resource and Conservation House Pending Fee Rule (Green)

ADMINISTRATIVE RULES REVIEW

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IDAPA 20 - DEPARTMENT OF LANDS

20.03.03 - RULES GOVERNING ADMINISTRATION OF THE RECLAMATION FUND

DOCKET NO. 20-0303-0301

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Title 47, Chapter 18, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the July 2, 2003 Idaho Administrative Bulletin, Volume 03-7, pages 50 through 56.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid significant financial impacts and the fee is described herein. Concurrent with authorization to implement temporary rules, the State Board of Land Commissioners has adopted the following fee schedule in lieu of traditional reclamation bonding which requires the posting of cash or insurance bonds. The following schedule shall be used to determine the annual fee for each reclamation plan, placer permit, temporary permit, or exploration project.

40 acres or greater -- no participation		
35 to 40 acres -- \$550	20 to 25 acres -- \$400	5 to 10 acres -- \$250
30 to 35 acres -- \$500	15 to 20 acres -- \$350	2 to 5 acres -- \$200
25 to 30 acres -- \$450	10 to 15 acres -- \$300	2 acres or less -- \$100
The fee in lieu of a mineral lease bond shall be \$100.		

Because of the fee being imposed through this rulemaking, this pending rule will not be adopted as final nor will it become effective until it has been approved, amended, or modified by concurrent resolution of the legislature.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sharon Murray at (208) 334-0231.

DATED this 1st day of October, 2003.

Winston A Wiggins, Director
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DEPARTMENT OF LANDS
Administration of the Reclamation Fund

Docket No. 20-0303-0301
Pending Fee Rule

IDAPA 20
TITLE 03
CHAPTER 03

RULES GOVERNING ADMINISTRATION OF THE RECLAMATION FUND

There are no substantive changes from the proposed rule text.

**The complete text of the proposed rule was published
in the Idaho Administrative Bulletin,
Volume 03-7, July 2, 2003, pages 50 through 56.**

**This rule has been adopted as a pending rule
by the Agency and is now pending review and approval
by the 2004 Idaho State Legislature as a final rule.**

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IDAPA 20 - DEPARTMENT OF LANDS

20.03.03 - RULES GOVERNING ADMINISTRATION OF THE RECLAMATION FUND

DOCKET NO. 20-0303-0301 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective April 1, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Title 47, Chapter 18, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency not later than July 16, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These rules establish the State Board of Land Commissioner's desire to implement and require an alternative form of reclamation assurance through the establishment of the Reclamation Fund. In general, the rules establish specific types of operations which are required to participate in the fund, which types of operations are not allowed to participate in the reclamation fund, and requires some operators to make a single annual payment to the Department of Lands' dedicated reclamation fund in lieu of providing a traditional insurance or cash reclamation bond. The rules also establish how operators will be billed for the annual fee in lieu of submission of the traditional bond, pro-rating of fees on an annual basis when necessary, and the transfer of bond responsibilities from one operator to another. The department sent two letters to all potentially affected operators requesting their comments and questions about the proposed policy and rules. The department met with operators during eight (8) public meetings that were held around the state. After the meetings, the department provided all potentially affected operators the chance to comment on the final policy and rules and met again with operators in Boise to resolve remaining concerns.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

During the 2002 legislative session, the Independent Miners Association introduced legislation to help alleviate the financial impact of reclamation bonding on sand and gravel operations, small mining operations and the independent mining community. The legislation specifically provided that the State Board of Land Commissioners may require an operator to provide an alternative form of financial assurance. Title 47, chapter 18, Idaho Code was passed under an emergency order, effective May 1, 2002. Proponents anticipated that the board would immediately begin negotiations with the mining industry and adopt policy to require the submission of an alternative bond in accordance with the provisions of the chapter as outlined in title 47, chapter 1802. This legislation was specifically introduced, passed and planned for implementation in order to alleviate significant financial impacts which could adversely affect mine operators across the state and to alleviate significant financial impact resulting from changes in the Bureau of Land Management's mining regulations under 43 CFR part 3809, effective January 21, 2003.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid significant financial impacts and the fee is described herein. Concurrent with authorization to implement temporary rules, the State Board of Land Commissioners has adopted the following fee schedule in lieu of traditional reclamation bonding which requires the posting of cash or insurance bonds. The following schedule shall be used to determine the annual fee for each reclamation plan, placer permit, temporary permit, or exploration project.

40 acres, no participation
35 to 40 acres -- \$550
30 to 35 acres -- \$500

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Administration of the Reclamation Fund

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25 to 30 acres -- \$450
20 to 25 acres -- \$400
15 to 20 acres -- \$350
10 to 15 acres -- \$300
5 to 10 acres -- \$250
2 to 5 acres -- \$200
2 acres or less -- \$100

The fee in lieu of a mineral lease bond shall be \$100.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, informal negotiated rulemaking was conducted. Eight (8) public hearings were held across the state and the department requested comments from all potentially affected operators on two separate occasions. Staff from the Department of Lands worked with industry representatives from May 2002 through September 2002 to develop an initial draft policy to implement the reclamation fund. A summary of the draft policy was sent to over 600 mineral lessees and mine operators that could be affected by the reclamation fund. Recipients were asked to review the draft policy and submit comments. After receiving initial comments and amending the proposal, nine (9) open houses meetings were held across the state. Invitations to attend the open houses were sent to all potentially affected operators. The department considered all comments and recommendations before drafting a final proposed policy that was again sent to all potentially affected operators for their review and comment. Lastly, department staff met with industry representatives in Boise to finalize the proposed policy that is the basis for the Temporary and Proposed Rules

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary and proposed rules, contact Sharon Murray at (208) 334-0231.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before July 23, 2003.

Dated this 21st day of May, 2003.

Winston A Wiggins, Director
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THE FOLLOWING IS THE TEXT OF DOCKET NO. 20-0303-0301

IDAPA 20, TITLE 03, CHAPTER 03

20.03.03 - RULES GOVERNING ADMINISTRATION OF THE RECLAMATION FUND

000. LEGAL AUTHORITY.

These rules are promulgated by the Idaho State Board of Land Commissioners pursuant to Sections 58-104(3) and (6), Idaho Code, and Title 47, Chapter 18, Idaho Code. The board has delegated to the director of the Idaho

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DEPARTMENT OF LANDS
Administration of the Reclamation Fund**Docket No. 20-0303-0301**
Temporary and Proposed Rulemaking

Department of Lands the duties and powers under Title 47, Chapter 18, Idaho Code and these rules; provided that the board shall retain responsibility for administrative review. (4-1-03)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 20.03.03, "Rules Governing Administration of the Reclamation Fund," IDAPA 20, Title 03, Chapter 03. (4-1-03)T

02. Scope. These rules constitute the Idaho Department of Lands' administrative procedures for implementation of a Reclamation Fund to be used as an alternative form of financial assurance for mining operations in Idaho. These rules shall be construed in a manner consistent with the duties and responsibilities of the board as set forth in Title 47, Chapters 7, 13, 15, and 18, Idaho Code, and IDAPA 20.03.01, "Dredge and Placer Mining Operations in Idaho," IDAPA 20.03.02, "Rules Governing Exploration and Surface Mining in Idaho," and IDAPA 20.03.05, "Riverbed Mineral Leasing In Idaho". (4-1-03)T

002. WRITTEN INTERPRETATIONS.

The board does not rely on any written interpretive statements concerning these rules. (4-1-03)T

003. ADMINISTRATIVE APPEALS.

01. Procedure For Appeals. Any operator, lessee, permit or plan holder aggrieved by any final decision or order of the board shall be entitled to judicial review in accordance with the provisions and standards set forth in Title 67, Chapter 52, Idaho Code, and the Administrative Procedures Act. (4-1-03)T

02. Effective Date Of A Final Order. When the director or the board finds that justice so requires, it may postpone the effective date of a final order pending judicial review. (4-1-03)T

03. Filing a Civil Action in District Court For Noncompliance. Notwithstanding any other provisions of these rules concerning administrative or judicial proceedings, whenever the board determines that a permittee or lessee has not complied with the provisions of the Dredge Mining Act, the Surface Mining Act, or a mineral lease, the board may file a civil action in the district court for the county wherein the violation or some part occurred, or in the district court for the county where the defendant resides, in accordance with said acts or mineral lease. The board may request the court to issue an appropriate order to remedy any alleged violation. (4-1-03)T

004. INCORPORATION BY REFERENCE.

01. Incorporated Documents. The following documents are expressly incorporated herein by reference as part of these rules to the extent that said rules or mineral lease apply to a subject mining operation. (4-1-03)T

a. IDAPA 20.03.01, "Dredge and Placer Mining Operations in Idaho". (4-1-03)T

b. IDAPA 20.03.02, "Rules Governing Exploration and Surface Mining in Idaho". (4-1-03)T

c. Title 47, Chapter 7, Idaho Code, Mineral Rights In State Lands. (4-1-03)T

02. Availability of Incorporated Documents. Unofficial copies of the incorporated documents may be obtained from any Idaho Department of Lands Office. Official copies of the incorporated administrative rules may be obtained from the Office of Administrative Rules located at 650 W. State Street, Room 100, Boise, Idaho 83720. (4-1-03)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Office. The principal place of business of the Idaho Department of Lands is the Director's Office at 954 W. Jefferson, Boise, Idaho 83720 and is open from 8 a.m. to 5 p.m. (MST), except Saturday, Sunday and legal holidays. (4-1-03)T

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002. **Address.** The mailing address is Idaho Department of Lands, PO Box 83720, Boise, Idaho 83720-0050. (4-1-03)T

003. **Phone.** The telephone of the office is (208) 334-0200. (4-1-03)T

006. PUBLIC RECORDS ACT COMPLIANCE.

01. **Administrative Procedures Act.** The rules contained herein have been promulgated in accordance with the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code and are a public record. (4-1-03)T

02. **Confidentiality Of Information.** The following records are exempt from disclosure pursuant to Section 9-340D(2), Idaho Code, shall not be disclosed by the board, director, or department employees, to any person other than the board, director and employees of the department without the written permission of the operator, permit holder or lessee. (4-1-03)T

a. Notice of exploration as required pursuant to Section 47-1314(b), Idaho Code, and Section 020, IDAPA 20.03.01, "Dredge and Placer Mining Operations in Idaho". (4-1-03)T

b. Notices of exploration as required pursuant to Section 47-1506(e), Idaho Code, and Section 060, IDAPA 20.03.02, "Rules Governing Exploration and Surface Mining in Idaho". (4-1-03)T

c. Production records. (4-1-03)T

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. **Board.** The State Board of Land Commissioners or any department, commission, or agency that may lawfully succeed to the duties and powers of such board. (4-1-03)T

02. **Definitions Incorporated.** Except as provided in these rules, the definitions set forth in IDAPA 20.03.01, "Dredge and Placer Mining Operations in Idaho," and in IDAPA 20.03.02, "Rules Governing Exploration and Surface Mining in Idaho," to the extent not provided in these rules, shall govern actions pursuant to Title 47, Chapter 18, Idaho Code, and these rules. (4-1-03)T

03. **Department.** The Idaho Department of Lands. (4-1-03)T

04. **Disturbed Acres Or Affected Land.** Land, natural watercourses, or existing stockpiles or waste piles affected by placer or dredge mining, remining, exploration, stockpiling of ore, waste from placer or dredge mining, or construction of roads, settling ponds, structures, or facilities appurtenant to placer or dredge mining operations. The land area included in overburden disposal areas, mined areas, mineral stockpiles, roads, tailings ponds, and other areas disturbed at a surface mining site. (4-1-03)T

05. **Dredge Mining Act.** Title 47, Chapter 13, Idaho Code, and IDAPA 20.03.01, "Dredge and Placer Mining Operations in Idaho." (4-1-03)T

06. **Financial Assurance.** Performance bonding submitted to ensure reclamation of disturbed acres or affected land or ensure payments under a mineral lease. (4-1-03)T

07. **Mine Or Mine Panel.** The area designated by the operator or permittee as a panel of a surface mine on the map submitted pursuant to Section 47-1506, Idaho Code, or as an identifiable portion of a placer or dredge mine on the map submitted pursuant to Section 47-1317, Idaho Code. (4-1-03)T

08. **Mineral Lease.** Lease executed pursuant to Title 47, Chapter 7, Idaho Code. (4-1-03)T

09. **Mineral Lessee.** The lessee of record of a State of Idaho Mineral Lease. (4-1-03)T

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- 10. Mineral Leasing Act.** Title 47, Chapter 7, Idaho Code. (4-1-03)T
- 11. Motorized Exploration.** Exploration which may appreciably disturb or damage the land or resources thereon. Motorized exploration includes, but is not limited to, drilling, trenching, dredging, or other techniques which employ the use of earth moving equipment, seismic operations using explosives, and, under the Mineral Leasing Act, includes sampling with a suction dredge having an intake diameter greater than two (2) inches when operated in a perennial stream. When operated in an intermittent stream, suction dredges shall be considered motorized exploration regardless of intake size. (4-1-03)T
- 12. Operator.** Any person or persons, any partnership, limited partnership or corporation, or any association of persons, either natural or artificial, including, but not limited to, every public or governmental agency engaged in surface mining, exploration or dredge and placer mining operations, whether individually, jointly, or through subsidiaries, agents, employees, or contractors and shall mean every government agency owning or controlling the use of any surface mine or dredge and placer mine where the extraction of minerals is to be used by or for the benefit of such agency. For the purpose of these rules, an operator shall include a party holding a permit or an approved surface mining reclamation plan. (4-1-03)T
- 13. Permit.** Dredge and Placer Mining Permit issued pursuant to Title 47, Chapter 13, Idaho Code. (4-1-03)T
- 14. Reclamation Fund.** The interest-bearing dedicated fund authorized pursuant to Title 47, Chapter 18, Idaho Code. The Reclamation Fund shall consist of fees paid by participating operators, permittees or lessees, interest and cost recoveries initiated by the board pursuant to Section 47-1804, Idaho Code. (4-1-03)T
- 15. Reclamation Fund Act.** Title 47, Chapter 18, Idaho Code. (4-1-03)T
- 16. Surface Mining Act.** Title 47, Chapter 15, Idaho Code, and IDAPA 20.03.02, "Rules Governing Exploration and Surface Mining in Idaho". (4-1-03)T
- 17. Surface Mining Reclamation Plan.** Reclamation plan approved pursuant to Title 47, Chapter 15, Idaho Code. (4-1-03)T
- 18. Traditional Performance Bond.** Cash, corporate surety bond, collateral bond, or letter of credit as described in the Dredge Mining Act, the Surface Mining Act and the Mineral Leasing Act, or a mineral lease. (4-1-03)T
- 011. -- 015. (RESERVED).**
- 016. REQUIRED PARTICIPANTS.**
Operators of mineral leases, surface mines, and placer mines, with the exception of the operations and operators listed in Section 017 of these rules, shall be required to provide alternative financial assurance through the Reclamation Fund to assure the reclamation of disturbed acres or affected lands. Financial assurance pursuant to the Reclamation Fund Act and this rule shall be in lieu of traditional performance bonds as set forth in the Surface Mining Act, the Dredge Mining Act, or a mineral lease. (4-1-03)T
- 017. INELIGIBLE OPERATIONS OR OPERATORS.**
The following types of operations and operators are not allowed to participate in the Reclamation Fund and may not provide alternative financial assurance through the Reclamation Fund. (4-1-03)T
- 01. Forty Acre Limit.** A surface or placer mine or mineral lease with greater than forty (40) acres of un-reclaimed disturbed acres or affected lands may not provide alternative financial assurance through the Reclamation Fund. Un-reclaimed disturbance is that which does not meet the final traditional performance bond release criteria in the Dredge Mining Act, the Surface Mining Act or a mineral lease. (4-1-03)T
- 02. One Hundred Thousand Dollar Limit.** Operators of mines with an estimated reclamation cost in excess of one hundred thousand dollars (\$100,000), regardless of surface acreage. (4-1-03)T

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- 03. Phosphate Mines.** Operators of phosphate mines or lease holders of phosphate leases. (4-1-03)T
- 04. Hardrock Mines.** Operators of hardrock mines such as gold, silver, molybdenum, copper, lead, zinc, cobalt, and other precious metal mines. (4-1-03)T
- 05. Potential Heavy Metal Releases.** Operators of mines with a reasonable potential to release heavy metals or other substances harmful to human health or the environment, but not including substances such as fuels and other materials commonly used in excavation or construction. (4-1-03)T
- 06. Oil And Gas Conservation.** Oil and gas exploration and development authorized under Title 47, Chapter 3, Idaho Code. (4-1-03)T
- 07. Oil And Gas Leasing.** Oil and gas leases and associated exploration and development authorized under Title 47, Chapter 8, Idaho Code. (4-1-03)T
- 08. Geothermal.** Geothermal leases and development authorized under Title 47, Chapter 16, Idaho Code. (4-1-03)T
- 09. Off Lease Exploration.** Motorized exploration on state lands that are not under a mineral lease or exploration location. (4-1-03)T
- 10. Violators.** Operations or operators, permittees or lessees in violation of the Dredge Mining Act, Surface Mining Act, Mineral Leasing Act, or a mineral lease. (4-1-03)T
- 11. Reclamation Fund Forfeitures.** Operators, permittees or lessees who have not reimbursed the Reclamation Fund for a forfeiture from the Reclamation Fund due to their violations of the Dredge Mining Act, Surface Mining Act, Mineral Leasing Act, or a mineral lease. (4-1-03)T
- 12. Other Forfeitures.** An operator who has forfeited a traditional performance bond. (4-1-03)T
- 018. ACREAGE LIMITATIONS.**
No operator shall be allowed to provide bonding through the Reclamation Fund if said operator has more than forty (40) acres of cumulative surface disturbance at more than one (1) mine site. An operator who has multiple plans and permits with a total disturbance in excess of forty (40) acres may participate in the Reclamation Fund with one (1) or more sites that contain less than forty (40) acres of total disturbance. These operators may also choose to not participate in the Reclamation Fund at all. A plan or permit that does not provide alternative financial assistance through the Reclamation Fund must be bonded with a traditional performance bond. (4-1-03)T
- 019. OPTIONAL PARTICIPATION.**
Operators who have one (1) or more mining operations or leases that are ineligible to participate in the Reclamation Fund as set forth in Section 017 or 018 of these rules may choose to not participate in the Reclamation Fund with respect to all other mining operations or leases in their name. An operator who does not participate in the Reclamation Fund must secure their operation with a traditional performance bond. (4-1-03)T
- 020. FEDERAL AGENCY NON-ACCEPTANCE OF RECLAMATION FUND.**
If a federal agency will not accept an operator's participation in the Reclamation Fund as proof of reclamation security, the operator will be required to provide a traditional performance bond. (4-1-03)T
- 021. -- 025. (RESERVED).**
- 026. PAYMENT.**
- 01. Board Approved Payment Schedule.** The board shall adopt a payment schedule which will be used to determine the annual Reclamation Fund payment for each mineral lease, reclamation plan, placer permit or temporary permit required to participate in the Reclamation Fund. Any changes to the payment structure must be reviewed and approved by the board. (4-1-03)T

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02. Acreage Calculation. The annual payment for each participant in the Reclamation Fund shall be established based upon the number of acres of disturbed or affected land at each mining operation. The acres used to calculate the annual payment shall include the acres of currently disturbed and affected land and the acres planned to be disturbed or affected during the next twelve (12) months as required by the Surface Mining Act and the Dredge Mining Act, or as may be required by a mineral lease. The acreages of disturbed or affected land at the mining operation shall not be rounded when determining annual payments. (4-1-03)T

03. Annual Payments Non-Refundable. Payments to the Reclamation Fund are non-refundable. Payments will be billed annually and are subject to late penalties as established by the board. New participants will be assessed a pro-rated payment based on the department's established billing cycle. (4-1-03)T

04. Supplemental Payments. If an operator finds it necessary to affect more acreage than the acreage secured through the Reclamation Fund for the current period, the department may require supplemental Reclamation Fund payments. Additional Reclamation Fund payments for mineral leases may be required by the department based on site specific conditions. (4-1-03)T

05. Assignment Or Transfer. When a lease, plan or permit is assigned, financial assurance requirements must be assumed by the new lessee or operator. No Reclamation Fund payments will be refunded following an assignment. If the new operator or lessee is ineligible to participate in the Reclamation Fund, the new operator or lessee must provide a traditional performance bond before the assignment will be approved. (4-1-03)T

06. Non-Payment Constitutes Lack Of Bonding. For those operators or lessees required to participate in the Reclamation Fund, non-payment of the annual fee shall be considered a failure to provide a traditional performance bond as required by the Dredge Mining Act, the Surface Mining Act, Mineral Leasing Act, or a mineral lease. (4-1-03)T

022. -- 030. (RESERVED).

031. ENFORCEMENT AND FAILURE TO COMPLY.

01. Forfeiture. Prior to withdrawing monies from the Reclamation Fund due to a violation of the Dredge Mining Act, the Surface Mining Act, Mineral Leasing Act, or a mineral lease, the department shall comply with the procedures for traditional performance bond forfeiture. (4-1-03)T

02. Penalties. If an operator fails to provide financial assurance as required by these rules or has forfeited monies from the Reclamation Fund and has not repaid those monies, the board shall be authorized to file liens against personal property and equipment of the operator to recover costs. The operator shall be liable for actual costs of the required financial assurance, reclamation costs, and administrative costs incurred by the department in reclaiming the disturbed or affected lands. All legal action by the department shall be in accordance with the Dredge Mining Act, Surface Mining Act, Mineral Leasing Act, or any mineral lease. Authorization to obtain a lien under this rule and Section 47-1804, Idaho Code, shall be in addition to, not in lieu of, any other legal remedy available to the board and the department pursuant to the Dredge Mining Act, Surface Mining Act, Mineral Leasing Act, or any mineral lease. (4-1-03)T

03. Procedure For Appeals. Any operator or lessee aggrieved by any final order of the board regarding the Reclamation Fund Act shall be entitled to appeal using the procedures as set forth in the Dredge Mining Act, Surface Mining Act, Mineral Leasing Act or a mineral lease. (4-1-03)T

032. MINIMUM BALANCE FOR THE RECLAMATION FUND.

The board shall determine a reasonable minimum balance for the Reclamation Fund. (4-1-03)T

033. -- 999. (RESERVED).

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IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD

25.01.01 - RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

DOCKET NO. 25-0101-0302

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2004 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Section 36-2107(b) and (d), Idaho Code. The pending rule is being adopted as proposed.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The changes in Rule 009 delete out-of-date provisions which are redundant with the Idaho Code and do not need to be in rule form. The changes in Rule 015 provide for expedited or emergency application fees, resubmittal, exceptional or special processing of application fees and for a credit for online electronic filing of applications as permitted by the 2003 legislative session. Only the sections that have changes different from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 446 through 448.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The fee for expedited or emergency applications for which there is a request to have the application pulled forward before other applications and have it processed and a license issued within seven (7) days of receipt of the application shall be \$150 for an outfitter license; \$75 for a designated agent license; and \$50 for a guide license. The fee for resubmittal, exceptional or special processing of an application which is incomplete or for other reasons for which the Board is otherwise unable to process the application shall be \$100 for an outfitter license; \$75 for a designated license; \$50 for a guide license; and \$5 for allocation fee recovery. There will be a credit for online and electronic filing of applications and a fee for the use of credit cards corresponding to the cost to the agency for processing the card as provided in Section 36-2108, Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact: Jake Howard, Executive Director, (208) 327-7380 - FAX 327-7382.

DATED this 17th day of November, 2003.

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, Idaho 83706
(208) 327-7380
FAX (208) 327-7382

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OUTFITTERS AND GUIDES LICENSING BOARD
Rules of the Outfitters and Guides Licensing Board

Docket No. 25-0101-0302
Pending Fee Rule

IDAPA 25, TITLE 01, CHAPTER 01

RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 446 through 448.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

*Language That Has Been Deleted From The Original Proposed Rule
Has Been Removed And New Language Is Shown In Italics*

SUBSECTION 015.09 (Partial Section)

015. ANNUAL DATE, MULTIPLE YEARS, FEES, AND PAYMENT.

09. ***Fees Associated With The Filing Of Applications.** There shall be a credit for online and electronic filing of applications, and a fee for the use of credit cards corresponding to the cost to the agency for processing the card pursuant to Section 36-2108, Idaho Code.* ()

2004 - Resource and Conservation House Pending Fee Rule (Green)

IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD

25.01.01 - RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

DOCKET NO. 25-0101-0302 (FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 36-2107(b) and (d), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be scheduled if requested in writing by twenty-five persons, a political subdivision, or an agency not later than October 15, 2003.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must have been made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The changes in Rule 009 delete out-of-date provisions which are redundant with the Idaho Code and do not need to be in rule form. The changes in Rule 015 provide for expedited or emergency application fees, resubmittal, exceptional or special processing of application fees and for a credit for online electronic filing of applications as permitted by the 2003 legislative session.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The fee for expedited or emergency applications for which there is a request to have the application pulled forward before other applications and have it processed and a license issued within seven (7) days of receipt of the application shall be \$150 for an outfitter license; \$75 for a designated agent license; and \$50 for a guide license. The fee for resubmittal, exceptional or special processing of an application which is incomplete or for other reasons for which the Board is otherwise unable to process the application shall be \$100 for an outfitter license; \$75 for a designated license; \$50 for a guide license; and \$5 for allocation fee recovery. There will be a credit for online and electronic filing of applications of \$20 for an outfitter license; \$7 for a designated agent license; and \$5.25 for a guide license.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted prior to submission, however the public will have the opportunity to comment on the rules as provided hereunder and may request a hearing as provided by 67-5222, Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rules, contact Jake Howard, Executive Director at (208) 327-7380, or FAX 327-7382.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 15th day of August, 2003.

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, Idaho 83706
(208) 327-7380
FAX (208) 327-7382

2004 - Resource and Conservation House Pending Fee Rule (Green)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 25-0101-0302

009. ~~AMENDMENT FEE (RESERVED).~~

~~An amendment fee shall be charged for every amendment to an outfitter or guide license in accordance with Section 36-2108(d)(3), Idaho Code.~~ (10-15-88)

~~01. Outfitter License Major Amendment. Seventy-five dollars (\$75). (10-15-88)~~

~~02. Outfitter License Incidental Amendment. Ten dollars (\$10). (10-15-88)~~

~~03. Guide License All Amendments. Ten dollars (\$10). (10-15-88)~~

(BREAK IN CONTINUITY OF SECTIONS)

015. ANNUAL DATE, MULTIPLE YEARS, FEES, AND PAYMENT.

01. Annual Dates. (7-1-03)T

a. All outfitter and designated license applications must be completed and received by the Board by January 31 of each year. (7-1-03)T

b. All outfitter applications and designated agent applications received by the Board after January 31 that are not complete will be subject to special processing fees. (7-1-03)T

c. The last day of the license year for all licenses is March 31 of each year. (7-1-03)T

d. Guide license applications may be submitted at any time during the year. (7-1-03)T

02. Outfitter And Designated Agent Late Fee. When a completed renewal application is filed with the Board after the last day of the license year, the following penalty shall apply: (7-1-03)T

a. A completed application received by the Board the last day of the license year - no late fee shall apply. (3-10-03)

b. A completed application received by the Board after the last day of the license year - a fifty dollar (\$50) late fee shall be paid before the license is issued. (3-10-03)

03. License Lapsed And Relinquished. A completed outfitter application received by the Board after ninety (90) days after the last day of the license year will not be accepted for licensure. The license will have lapsed and therefore is void and vacated. If a completed application is not received by the Board by ninety (90) days after the last day of the license year, the license is relinquished. (3-10-03)

04. Refund Of Unused One Time Application Fees. All unused portions of one (1) time new outfitter, new designated agent, or new guide application fees shall be returned to the applicant. (3-19-99)

05. Multiple Year Licenses. (7-1-03)T

a. Beginning in license year 2004, outfitter and designated agent licenses may be issued for a one (1) year or three (3) year period. All new applicants must be licensed for two (2) years before the applicant may apply for a three (3) year license. (7-1-03)T

2004 - Resource and Conservation House Pending Fee Rule (Green)

OUTFITTERS AND GUIDES LICENSING BOARD Rules of the Outfitters and Guides Licensing Board

Docket No. 25-0101-0302
Proposed Rulemaking

b. License fees shall be prorated based on the number of years for which the applicant is licensed. The multiyear license fee may be transferred to the bona fide purchaser of an outfitter business. Bona fide purchasers of an outfitter business will be credited for annual license fees for prorated years remaining with a business at the time of the purchase. (7-1-03)T

c. The multiple year fee must be paid at the time of renewal and prior to the beginning of the license period. This does not relieve a licensed outfitter from submitting annual reports and use reports, and annual bonding and insurance requirements. (7-1-03)T

d. There shall be no reimbursement of fees should the license become revoked or relinquished. (7-1-03)T

e. Outfitters must submit renewal applications no later than January 31 prior to the subsequent license period. (7-1-03)T

06. Payment. Prior to the issuance of a license, an applicant must submit the appropriate fee in the form of a certified check, cashier's check, money order, outfitter's company check or use of outfitter and designated agent credit cards. (7-1-03)T

07. Expedited Or Emergency Application Fees. The fee for expedited or emergency applications for which there is a request to have the application pulled forward before other applications and have it processed and a license issued within seven (7) days of receipt of the application shall be: ()

a. One hundred fifty dollars (\$150) for an outfitter license; ()

b. Seventy-five dollars (\$75) for a designated agent license; and ()

c. Fifty dollars (\$50) for a guide license. ()

08. Resubmittal, Exceptional Or Special Processing Of Application. The fee for resubmittal, exceptional or special processing of an application that is incomplete, or for other reasons for which the Board is otherwise unable to process the application shall be: ()

a. One hundred dollars (\$100) for an outfitter license; ()

b. Seventy-five dollars (\$75) for a designated license; ()

c. Fifty dollars (\$50) for a guide license; and ()

d. Five dollars (\$5) for allocation fee recovery. ()

09. Electronic Filing Of Applications. There shall be a credit for online and electronic filing of applications of: ()

a. Twenty dollars (\$20) for an outfitter license; ()

b. Seven dollars (\$7) for a designated agent license; and ()

c. Five dollars and twenty-five cents (\$5.25) for a guide license. ()

2004 - Resource and Conservation House Pending Fee Rule (Green)

IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

26.01.20 - RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES

DOCKET NO. 26-0120-0301

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-4223(a) Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 449 through 455.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: The IDPR authority for imposing fees is found in Sec. 67-4223(g), Idaho Code. The temporary fee rules took effect on August 5, 2003.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dean Sangrey, 208-334-4180, ext. 250.

DATED this 14th day of November, 2003.

Rick Collignon, Director
Idaho Department of Parks and Recreation
5657 Warm Springs Ave., Boise ID 83716
PO Box 83720, Boise ID 83720-0065
208-334-4180 – FAX 208-334-5232

IDAPA 26, TITLE 01, CHAPTER 20

RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 449 through 455.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Resource and Conservation House Pending Fee Rule (Green)

IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION

26.01.20 - RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES

DOCKET NO. 26-0120-0301 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 5, 2003.

AUTHORITY: In compliance with Section 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 67-4223(a), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 27, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Section 004 has been added to comply with the Department of Administration's required IDAPA sections regarding Incorporation by Reference;

Section 005 has been added to comply with the Department of Administration's required IDAPA sections regarding Office Hours, Mailing Address and Street Address;

Section 006 has been amended to comply with the Department of Administration's required IDAPA sections regarding Public Records Act Compliance;

Subsection 010.13 – Modifies the definition of Motorized Vehicle Entry Fee (MVEF);

Subsection 010.18 – Provides a definition for camper unit;

Subsection 200.01 – Amends the description of occupancy of a campsite;

Subsection 225.03 – Clarifies campsite and park facility access permitted with payment of camping fees;

Subsection 225.06 – Clarifies the definition of a fee collection surcharge;

Subsection 250.01 – Clarifies the definition of a deluxe campsite;

Subsection 250.02 – Clarifies the definition and assessment of reservation service fees;

Subsection 250.03 – Establishes a maximum increase of \$2 and Board approved increase of \$1 in the MVEF;

Subsection 250.05 – Establishes an increase of \$1.00 per person per night in group facility overnight fees;

Subsection 250.06 – Establishes a maximum increase of \$2.00 and Board approved increase of \$1.00 for vessel launching fees;

Subsection 250.10 – Establishes a new Nordic ski grooming program fee for parks that provide premium Nordic ski trail grooming programs;

Subsection 300.04 – Corrects a typographical error.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: In order to avoid immediate public safety and resource management dangers or potential park closures, implementation of these temporary rules will help protect the public health, safety, and welfare, and will confer a benefit.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: See Descriptive Summary above. The IDPR authority for imposing fees is found in Sec. 67-4223(g), Idaho Code. The temporary fee rules took effect on August 5, 2003. Those portions of the pending rules that increase fees shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, the temporary rule making process precluded the ability to conduct negotiated rulemaking. The imminent danger of park closures due to funding shortfalls necessitated the temporary rulemaking process.

2004 - Resource and Conservation House Pending Fee Rule (Green)

DEPARTMENT OF PARKS AND RECREATION

Docket No. 26-0120-0301

Administration of Park and Recreation Areas and Facilities Temporary and Proposed Rulemaking

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dean Sangrey, 208-334-4180, ext. 250.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 10, 2003.

DATED this 19th day of August, 2003.

Rick Collignon, Director
Idaho Department of Parks and Recreation
5657 Warm Springs Ave., Boise ID 83716
PO Box 83720, Boise ID 83720-0065
208.334.4180 – FAX 208.334.5232

THE FOLLOWING IS THE TEXT OF DOCKET NO. 26-0120-0301

~~004. — 005.~~ ~~(RESERVED).~~

004. INCORPORATION BY REFERENCE.

No documents have been incorporated by reference into these rules.

(8-5-03)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho.

(8-5-03)T

02. Mailing Address. The mailing address for the central office is Idaho Department of Parks and Recreation, PO Box 83720, Boise, ID 83720-0065.

(8-5-03)T

03. Street Address. The office of the Idaho Department of Parks and Recreation is located at 5657 Warm Springs Ave., Boise, ID 83716.

(8-5-03)T

006. CITATION PUBLIC RECORDS ACT COMPLIANCE.

The official citation of this chapter is IDAPA 26.01.20.000- et seq. For example, the citation for this section is IDAPA 26.01.20.006. Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 1, Idaho Code.

~~(1-1-94)~~(8-5-03)T

007. -- 009. **(RESERVED).**

010. DEFINITIONS.

As used in this chapter:

(1-1-94)

01. Board. The Idaho Park and Recreation Board, a bipartisan, six (6) member board, appointed by the Governor.

(3-13-97)

02. Camper Unit. A family unit or a party of no more than eight (8) persons occupying one (1) camper/vehicle combination or one (1) vehicle with a maximum of two (2) tents.

(8-5-03)T

2004 - Resource and Conservation House Pending Fee Rule (Green)

DEPARTMENT OF PARKS AND RECREATION**Docket No. 26-0120-0301****Administration of Park and Recreation Areas and Facilities Temporary and Proposed Rulemaking**

- 023.** **Camping Day.** The period between 2 p.m. of one (1) calendar day and 1 p.m. of the following calendar day. (7-1-99)
- 034.** **Campsite.** Site designated for overnight camping, including camping cabins, yurts, and tepees. (3-7-03)
- 045.** **Day Use.** Use of any non-camping lands and or facilities between the hours of 7 a.m. and 10 p.m. unless otherwise posted. (3-7-03)
- 056.** **Department.** The Idaho Department of Parks and Recreation. (1-1-94)
- 067.** **Designated Beach.** Waterfront areas designated by the Park Manager or designee for water based recreation activities. The length and width of each designated beach shall be visibly signed. (3-7-03)
- 078.** **Designated Roads And Trails.** Facilities recognizable by reasonable formal development, signing, or posted rules. (3-7-03)
- 089.** **Director.** The director and chief administrator of the department, or the designee of the director. (1-1-94)
- 0910.** **Dock And Boating Facility.** Floats, piers and mooring buoys owned or operated by the department. (3-13-97)
- 101.** **Extra Vehicle.** An additional motorized vehicle (not in tow at time of entry) without built in sleeping accommodations registered to a camp site. (3-13-97)
- 142.** **Group Use.** Twenty-five (25) or more people, or any group needing special considerations or deviations from normal department rules or activities. (1-1-94)
- 123.** **Motorized Vehicle.** Every vehicle that is self propelled except for vehicles moved solely by human power and motorized wheelchairs as defined in Section 49-123(g), Idaho Code. (3-7-03)
- 134.** **Motorized Vehicle Entry Fee (MVEF).** A fee charged for a motorized vehicle to enter a designated area ~~for a non-camping visit.~~ ~~(3-13-97)~~ (8-5-03)T
- 145.** **Park Or Program Manager.** The person, designated by the director, responsible for administering and supervising particular lands, facilities, and staff that are under the jurisdiction of the department. (3-7-03)
- 156.** **Primary Season.** The time of the year when the majority of use occurs at a park facility. (3-7-03)
- 167.** **Vessel.** Every description of watercraft, including a seaplane on the water, used or capable of being used as a means of transportation on water, but not including float houses, diver's aids operated and designed primarily to propel a diver below the surface of the water, and nonmotorized devices not designed or modified to be used as a means of transportation on the water such as inflatable air mattresses, single inner tubes, and beach and water toys as defined in section 67-7003(22), Idaho Code. (3-7-03)
- 178.** **Vessel Length.** The distance measured at the centerline at the highest point above the waterline from the fore-part of the outer hull at the bow to the aft-part of the outer hull at the stern, excepting any bowsprits, railings or extraneous or additional equipment. (3-13-97)

(BREAK IN CONTINUITY OF SECTIONS)

200. CAMPING.

2004 - Resource and Conservation House Pending Fee Rule (Green)

DEPARTMENT OF PARKS AND RECREATION

Docket No. 26-0120-0301

Administration of Park and Recreation Areas and Facilities Temporary and Proposed Rulemaking

01. Occupancy. Camping shall be permitted only in designated campsites with ~~maximums of: eight (8) people, one (1) extra vehicle, two (2) tents, and one (1) motor vehicle or towed unit with built-in sleeping accommodations~~ a maximum of one (1) camping unit per campsite, unless the site has been designed to accommodate or has been approved by the park manager or designee for a second unit. ~~Additional vehicle(s) may be parked at the site with permission of the park manager.~~ A campsite will be determined occupied only after the required camping fees have been paid and registration information completed. (3-10-00)(8-5-03)T

02. Length Of Stay. Except as provided herein, no person, party or organization may be permitted to camp on any lands administered by the department for more than fifteen (15) days in any thirty (30) day period. Shorter or longer periods may be designated for any individual area by the Park Manager or designee. (3-7-03)

03. Registration Required. All camping fees must be paid and registration information completed prior to occupying a campsite. Saving campsites is prohibited. (3-7-03)

04. Condition Of Campsite. Campers shall keep their campsite and other use areas clean. (3-7-03)

05. Liquid Waste Disposal. All gray water and sewage wastes shall be held in self-contained units or collected in water-tight receptacles in compliance with state adopted standards and dumped in sanitary facilities provided for the disposal of such wastes. (3-30-01)

06. Motorized Equipment. No generators or other motorized equipment emitting sound and exhaust are permitted to be operated during quiet hours. (7-1-93)

07. Campsite Parking. All boats, motorcycles, trailers, rigs and motorized vehicles shall fit entirely within the campsite parking spur provided with the assigned campsite. All equipment which does not fit entirely within the designated campsite parking area shall be parked outside the campground in an area designated by the Park Manager or designee. If no outside parking is available, the Park Manager or designee may require the party to register on a second campsite, if available. (3-7-03)

08. Equipment. All camping equipment and personal belongings of a camper shall be maintained within the assigned campsite perimeter. (3-13-97)

09. Check Out. Campers are required to check out and leave a clean campsite by 1 p.m. of the day following the paid night of camping. (7-1-99)

10. Visitors. Individuals visiting campers shall park in designated areas, except with permission of the Park Manager or designee. Visitors shall conform to established day use hours and motor vehicle entry fee requirements. (3-7-03)

11. Responsible Party. The individual purchasing a campsite is responsible for assuring compliance with the rules within this chapter. (1-1-94)

12. Camping Prohibited. No camping is permitted outside designated campsites unless specifically authorized. (3-13-97)

(BREAK IN CONTINUITY OF SECTIONS)

225. FEES AND SERVICES.

01. Authority. (3-13-97)

a. The board shall adopt fees for the use of lands, facilities, and equipment. Visitors shall pay all applicable fees. (3-7-03)

2004 - Resource and Conservation House Pending Fee Rule (Green)

DEPARTMENT OF PARKS AND RECREATION

Docket No. 26-0120-0301

Administration of Park and Recreation Areas and Facilities Temporary and Proposed Rulemaking

b. Park Managers or designees may set fees for goods available for resale and services provided by staff that enhance the users experience unique to the individual park. Fees for lands, facilities and equipment unique to an individual park will be posted at that site. (3-7-03)

02. **General Provisions.** All fees in this chapter are maximum fees unless otherwise stated. Actual fees charged shall be established by Board Policy. (3-7-03)

03. **Camping.** Camping fees include the right to use designated campsites and facilities, ~~and day use facilities~~ for the period camp fees are paid. Utilities and facilities may be restricted by weather or other factors. ~~(3-7-03)~~ (8-5-03)T

04. **Group Use.** (7-1-93)

a. Groups of twenty-five (25) persons or more, or any group needing special considerations or deviations from these rules shall have a permit. Permits may be issued after arrangements have been made for proper sanitation, population density limitations, safety of persons and property, and regulation of traffic. (1-1-94)

b. Permits for groups of up to two hundred fifty (250) people may be approved by the park manager with thirty (30) days advance notice. Permits for groups of two hundred fifty (250) to one thousand (1,000) may be approved by the director with forty-five (45) days advance notice. Groups over one thousand (1,000) may be approved by the board with sixty (60) days advance notice. The director may approve groups over one thousand (1,000) with thirty (30) days advance notice, if they are repeat users. (1-1-94)

c. The motorized vehicle entry fee may be charged to groups entering a designated area for a noncamping visit. (3-13-97)

05. **Fees And Deposits.** Fees and deposits may be required for certain uses or the reservation of certain facilities. (3-13-97)

06. **Fee Collection Surcharge.** A five dollar (\$5) surcharge may be added to all established fees when the ~~registered owner~~ operator of a motorized vehicle or camping unit fails to pay required fees prior to entering a park area or occupying a campsite. If the surcharge is assessed, and the operator of the vehicle or responsible party is not present, all required fees in addition to the five dollar (\$5) surcharge will be assessed against the registered owner of the motorized vehicle or camping unit. ~~(3-7-03)~~ (8-5-03)T

07. **Admission Fees.** A maximum per person fee of ten dollars (\$10) may be charged for internal park facilities which provide an educational opportunity or require special accommodations. (3-10-00)

08. **Cooperative Fee Programs.** The department may collect and disperse fees in cooperation with fee programs of other state and federal agencies. (3-10-00)

226. -- 249. (RESERVED).

250. FEE SCHEDULE.

01. Campsites.

CAMPSITE FEE TABLE	
Primitive Campsite (may include: table, grill, camp-spur, vault toilet, no water.)	\$7/day
Basic Campsite (may include: table, grill, camp-spur, central water, vault toilets.)	\$9/day
Developed Campsite (may include: table, grill, camp-spur, central water, flush toilets.)	\$12/day
Deluxe Campsite (<u>a developed campsite that is designed to accommodate higher occupancy limits of up to twelve (12) persons two (2) camper units</u>)	\$22/day
Electric hookups at site	additional \$4/day

2004 - Resource and Conservation House Pending Fee Rule (Green)

DEPARTMENT OF PARKS AND RECREATION

Docket No. 26-0120-0301

Administration of Park and Recreation Areas and Facilities Temporary and Proposed Rulemaking

CAMPSITE FEE TABLE	
Sewer hookups at site	additional \$2/day
Use of campground showers by noncampers	\$3/person
Camping fee includes MVEF (see Subsection 250.03 of this chapter).	
Limited Income Discount - Idaho residents showing proof of limited income (Medicaid card or other evidence approved by the board) may receive a camping fee discount of:	\$4/day
Resident Disabled Idaho Veterans - Campsite fees are waived for resident Idaho veterans showing proof of a one hundred percent (100%) permanent and total service related disability	
Extra Vehicle Charge	\$5/day
Camping Cabin, Yurt, or Teepee	\$72/night
Each additional person above the sleeping capacity of camping cabin, yurt or teepee	\$12 night

~~(3-7-03)~~(8-5-03)T

02. Reservation Service Fees. A non-refundable service charge of six dollars (\$6) will be assessed for each campsite reserved. This fee will be waived for campers with a current Idaho RV registration sticker and reimbursed to the Department by the RV Program. A service charge of ten dollars (\$10) or the first night's fee, whichever is less, will be assessed for the cancellation or modification of each campsite reserved that involves reducing the planned length of stay if notice is received more than twenty-four (24) hours in advance of the scheduled arrival time. Cancellations or modifications made less than twenty-four (24) hours in advance of the scheduled arrival time shall result in assessment of a ten dollar (\$10) service charge and may require the forfeiture of the first night's camping fee.

~~(3-7-03)~~(8-5-03)T

03. Motorized Vehicle Entry Fee (MVEF).

MOTORIZED VEHICLE ENTRY FEE (MVEF) TABLE.	
Daily charge per motorized vehicle. <u>The daily MVEF expires at 10 p.m. on date of purchase unless the party is registered to camp, in which case, the daily MVEF will expire at 1 p.m. the following day.</u>	\$ 3 5
Daily charge per commercial motor coach (no annual pass available)	\$20 25
Statewide Annual State Park Passport per motorized vehicle	\$35
Disabled Idaho Resident Veterans - The MVEF is waived for resident Idaho veterans showing proof of a one hundred percent (100%) permanent and total service related disability	
Second Vehicle Annual Passport.	\$ 5

~~(3-7-03)~~(8-5-03)T

04. Special Charges. The cost to the agency for returned checks will be passed on to the issuer of the insufficient funds check.

(3-7-03)

05. Group Facility Fees.

(3-13-97)

a. A reservation service charge of twenty-five dollars (\$25) shall be charged for each reservation of a designated group facility. Additional charges may be imposed by the Park Manager or designee depending upon the cost of providing services.

(3-7-03)

2004 - Resource and Conservation House Pending Fee Rule (Green)

DEPARTMENT OF PARKS AND RECREATION

Docket No. 26-0120-0301

Administration of Park and Recreation Areas and Facilities Temporary and Proposed Rulemaking

b. Groups using overnight facilities shall be charged ~~two~~ three dollars (\$~~2~~3) per person per night camping fees. ~~(3-13-97)~~(8-5-03)T

c. Unless other arrangements are made with the Park Manager or designee, all group facility use fees and any applicable deposits are required to be prepaid to confirm a group use facility reservation. Unless otherwise provided for in these rules, all use fees shall be refunded if notice of cancellation is provided not later than 2 p.m., local time, twenty-one (21) days prior to date of scheduled arrival. Unless otherwise provided for in these rules, during the primary season, the percent of fees refunded for cancellations made less than twenty-one (21) days prior to date of scheduled arrival will be based on the ability of the Park Manager or designee to register the cancelled sites to other parties. (3-7-03)

d. Cleaning/damage deposits may be required for certain facilities. Where cleaning/damage deposits are required, they shall be paid prior to check-in. Cleaning/damage deposits shall be fully refunded if the facilities are left in the same condition in which they were accepted. (3-7-03)

e. Commercial group use fees may be negotiated by the park manager or designee but shall never fall below the cost of providing services. (3-7-03)

06. Boating Facilities.

BOATING FACILITIES FEE TABLE	
Vessel launching (per vessel/per day) (Annual park passport; <u>and</u> daily MVEF; or payment of camping fees applies toward vessel launching fees)	\$ 3 <u>5</u> / day
Overnight moorage --any length of vessel. (Applicable to persons who have paid for a park campsite and are not camping on the vessel)	\$5/night
Overnight moorage --persons camping on vessel Any length vessel	\$8/night
Any length vessel moored at buoy	\$5/night

~~(3-7-03)~~(8-5-03)T

07. **Modification Of Fees.** Additional fees or deposits may be required for certain uses or for the reservation of certain facilities. The department reserves the right to waive or reduce fees and charges for department sponsored promotions. (7-1-93)

08. **Sales Tax.** Applicable sales tax may be added to all sales excluding daily motor vehicle entrance fees. (3-10-00)

09. **Length Of Stay.** Fifteen (15) days in any thirty (30) day period. (7-1-93)

10. **Nordic Ski Grooming Program Fee.** A fee of four dollars (\$4) per person per day and thirty-five dollars (\$35) per family per season will be required at Board-approved premium Nordic ski grooming program locations. These programs may include: maintained parking areas, warming facilities, winter accessible restroom facilities, regularly groomed ski trails, extensive signing, trail mapping and ski patrol services. (8-5-03)T

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